



STATE OF WISCONSIN

Senate Journal

Ninety–Third Regular Session

10:00 A.M.

TUESDAY, April 28, 1998

The Senate met.

The Senate was called to order by Senator Brian Rude.

The roll was called and the following Senators answered to their names:

Senators Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Lazich, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirsch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Risser led the Senate in the pledge of allegiance to the flag of the United States of America.

PETITIONS AND COMMUNICATIONS

State of Wisconsin Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or En- rolled Number</u>	<u>Publication Date</u>
Senate Bill 18	Wisconsin Act 134	May 1, 1998
Senate Bill 39	Wisconsin Act 135	May 1, 1998
Senate Bill 347	Wisconsin Act 136	May 1, 1998

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

State of Wisconsin Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or En- rolled Number</u>	<u>Publication Date</u>
Senate Bill 61	Wisconsin Act 147	May 4, 1998
Senate Bill 78	Wisconsin Act 148	May 4, 1998
Senate Bill 144	Wisconsin Act 149	May 4, 1998
Senate Bill 269	Wisconsin Act 150	May 4, 1998
Senate Bill 394	Wisconsin Act 151	May 4, 1998
Senate Bill 407	Wisconsin Act 152	May 4, 1998

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

State of Wisconsin Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or En- rolled Number</u>	<u>Publication Date</u>
Senate Bill 262	Wisconsin Act 156	May 5, 1998
Senate Bill 319	Wisconsin Act 157	May 5, 1998
Senate Bill 102	Wisconsin Act 160	May 5, 1998
Senate Bill 107	Wisconsin Act 161	May 5, 1998
Senate Bill 257	Wisconsin Act 162	May 5, 1998
Senate Bill 271	Wisconsin Act 163	May 5, 1998
Senate Bill 384	Wisconsin Act 164	May 5, 1998
Senate Bill 496	Wisconsin Act 165	May 5, 1998

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

State of Wisconsin Ethics Board

April 28, 1998

The Honorable, The Senate/Legislature:

At the direction of s. 13.685(7), *Wisconsin Statutes*, I am furnishing you with the names of organizations recently registered with the Ethics Board that employ one or more individuals to affect state legislation or administrative rules, and notifying you of changes in the Ethics Board's records of licensed lobbyists and their employers. For each recently registered organization I have included the organization's description of the general area of legislative or administrative action that it attempts to influence and the name of each licensed lobbyist that the organization has authorized to act on its behalf.

Organizations recently registered:

Below are the names of organizations recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules.

Center for Energy and Economic Development (CEED)

Subject(s): Any state activity that could negatively impact coal-fired generation and/or increase cost of electricity for Wisconsin citizens and businesses. Primary issues: carbon taxes, global climate debate, electric utility restructuring, mercury, and ozone transport. CEED will seek sound science and economic reality on energy and environmental issues.

Fassbender, Robert I

Kimberly–Clark Corporation

Subject(s): The corporation may attempt to influence legislation and administrative rules in the areas of commerce and business, environment, manufacturing, solid waste and taxation, among others.

Muenzmaier, Marty

***University Women American Association of**

Subject(s): Health & welfare – Labor Dept. (covers women’s issues); education – higher education; human services – civic rights; affirmative action; welfare reform.

Anderson, Cheryl

DeVossey, Danielle

Franz, Nancy

Pentitas, Betty

Organization’s cessation of lobbying activity:

The following organizations previously registered with the Ethics Board as employers of lobbyists have indicated a cessation of all lobbying activity effective on the dates shown.

Superamerica, Division of Ashland, Inc

Cook, Sharon 4/27/98

Mitchell, Brian 4/27/98

Shepardson, Fran 4/27/98

*Each organization identified has filed a verified statement with the Ethics Board stating that it does not expect to spend more than \$500 in a calendar year for lobbying activities. The organization is not required to file a Statement of Lobbying Activities and Expenditures and the organization’s lobbyist is exempt from the licensing requirement [s.13.621(5) *Wisconsin Statutes*].

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,

ROTH JUDD
Director

EXECUTIVE COMMUNICATIONS

**THE STATE OF WISCONSIN
OFFICE OF THE GOVERNOR**

EXECUTIVE ORDER #327

Relating to a Proclamation that the Flag of the United States and the Flag of the State of Wisconsin be Flown at Half-Staff as a Mark of Respect for the Late Deputy Sheriff Richard A. Weinke of the Sauk County Sheriff’s Office.

WHEREAS, Deputy Sheriff Richard A. Weinke of the Sauk County Sheriff’s Office died in the line of duty in the early morning hours of April 5, 1998 in a traffic collision while responding to assist the Sauk Prairie Police Department with a domestic disturbance call; and

WHEREAS, Deputy Sheriff Weinke faithfully and honorably served the people of Sauk County and the people of Wisconsin;

NOW, THEREFORE, I, TOMMY G. THOMPSON, Governor of the State of Wisconsin, by the authority vested in me by Federal and State law do hereby order that the flag of the United States and the flag of the State of Wisconsin shall be flown at half-staff at all buildings, grounds and military installations of the State of Wisconsin equipped with such flags beginning forthwith until sundown on the day of Deputy Sheriff Weinke’s internment.

IN TESTIMONY WHERE OF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this fifth day of April in the year one thousand nine hundred and ninety-eight.

TOMMY G. THOMPSON
Governor

BY THE GOVERNOR:

DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
Office of the Governor**

April 27, 1998

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 329	Wisconsin Act 173	April 27, 1998
Senate Bill 258	Wisconsin Act 175	April 27, 1998

Sincerely,

TOMMY G. THOMPSON
Governor

Senator Plache, with unanimous consent, asked that the Senate recess until 1:00 P.M..

10:30 A.M.

RECESS

1:00 P.M.

The Senate reconvened.

Senator Rude in the chair.

Senate Bill 362

Relating to: the application of the business combination and the control share voting restriction provisions of the business corporation law; dry cleaning fees; nontarget population members; the date by which certain school board resolutions pertaining to the open enrollment programs must be adopted; loans made to school districts by the technology for educational achievement in Wisconsin board; the method for calculating contributions to the universal service fund; use of the universal service fund to make grants to certain school districts for telecommunications access; financial assistance for local recycling programs; funding for a boat landing located on the Wisconsin River in the town of Buena Vista; reports concerning the environmental cooperation pilot program; funding for air and solid and hazardous waste programs; studies of fish in the Great Lakes; eligibility for child care subsidies under the Wisconsin works program; increased funding for the benefit specialist program for older individuals; the amount that a county having a population of 500,000 or more must contribute for the provision of child welfare services in that county by the department of health and family services; the photographing of a person applying for or receiving kinship care payments, of employes and prospective employes of a person applying for or receiving kinship care payments and of adult residents and prospective adult residents of the home of a person applying for or receiving kinship care payments; eliminating cross-references to the Wisconsin works health plan;

computing the aviation fuel tax; a sales tax and use tax exemption for samples of medicine and registration for use tax purposes; the international fuel tax agreement; the department of revenue's expenses to administer the fee on vehicle rentals; directing the department of revenue to not adjust individual income tax withholding tables and making a technical adjustment in the calculation of income tax liability by individual nonresidents and part-year residents of this state; the sales of food by institutions of higher learning; salary-setting authority of certain state bodies; reserve "Class B" intoxicating liquor licenses; the abolishment of the emergency response board; revocation of probation for failure to pay supervision fees owed to the department of corrections; and making an appropriation.

Read.

Senator Ellis, with unanimous consent, asked that **Senate Bill 362** be laid on the table.

**REFERRALS AND RECEIPT OF
COMMITTEE REPORTS CONCERNING
PROPOSED ADMINISTRATIVE RULES**

Senate Clearinghouse Rule 98-007

Relating to the brownfields grant program.

Submitted by Department of Commerce.

Report received from Agency, April 23, 1998.

Referred to committee on **Business, Economic Development and Urban Affairs**, April 28, 1998.

Senate Clearinghouse Rule 98-040

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by Department of Transportation.

Report received from Agency, April 23, 1998.

Referred to committee on **Transportation, Agriculture and Rural Affairs**, April 28, 1998.

**State of Wisconsin
Revisor of Statutes Bureau**

May 1, 1998

To the Honorable, the Senate:

The following rules have been published:

Clearinghouse Rules	Effective Date(s)
96-106	May 1, 1998
96-107	May 1, 1998
96-108	May 1, 1998
96-109	May 1, 1998
96-169	May 1, 1998
97- 93	May 1, 1998
97-106	May 1, 1998
97-107	May 1, 1998
97-113	May 1, 1998
97-116	May 1, 1998
97-144	May 1, 1998
97-147	May 1, 1998
97-148	May 1, 1998
97-156	May 1, 1998

Sincerely,
GARY L. POULSON
Deputy Revisor

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Joint Resolution 11

Relating to: the right to keep and bear arms (2nd consideration).

Read.

Senator A. Lasee and Plache, with unanimous consent, asked to be made cosponsors of **Assembly Joint Resolution 11**.

Senator Shibilski and Wirch, with unanimous consent, asked to be made cosponsors of **Assembly Joint Resolution 11**.

Senator Risser moved nonconcurrence in Assembly amendment 2 to Senate amendment 1 to **Assembly Joint Resolution 11**.

The question was: Shall Assembly amendment 2 to Senate amendment 1 to **Assembly Joint Resolution 11** be nonconcurred in?

The ayes and noes were demanded and the vote was: ayes, 5; noes, 27; absent or not voting, 1; as follows:

Ayes – Senators Burke, Chvala, George, Moore and Risser – 5.

Noes – Senators Breske, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, Jauch, A. Lasee, Lazich, Moen, Plache, C. Potter, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 27.

Absent or not voting – Senator Panzer – 1.

Nonconcurrence refused.

The question was: Shall Assembly amendment 2 to Senate amendment 1 to **Assembly Joint Resolution 11** be concurred in?

The ayes and noes were demanded and the vote was: ayes, 27; noes, 5; absent or not voting, 1; as follows:

Ayes – Senators Breske, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, Jauch, A. Lasee, Lazich, Moen, Plache, C. Potter, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 27.

Noes – Senators Burke, Chvala, George, Moore and Risser – 5.

Absent or not voting – Senator Panzer – 1.

Concurred in.

Senator Ellis, with unanimous consent, asked that all action be immediately messaged to the Assembly.

**ANNOUNCEMENTS, ADJOURNMENT
HONORS AND REMARKS UNDER SPECIAL
PRIVILEGE**

State of Wisconsin

April 28, 1998

The Honorable, The Senate:

I regret that I was unable to be on the Senate floor for a roll call vote on April 28th, 1998. The votes that I missed were on **Assembly Joint Resolution 11**.

I am writing to inform you of how I would have voted on the motions had I been on the floor. I would have voted against non-concurrence in Assembly amendment 2 to **Assembly Joint Resolution 11**. Furthermore, I would have voted in favor of concurrence of the amendment.

I ask that the Senate Journal show I be recorded as voting in this manner.

Sincerely,

MARY E. PANZER
State Senator
20th Senate District

ADJOURNMENT

Senator Ellis, with unanimous consent, asked that the Senate adjourn until Thursday, April 30 at 10:00 A.M..

Adjourned.

1:32 P.M.

CHIEF CLERK'S REPORT

The Chief Clerk records:

Senate Bill 25
Senate Bill 139
Senate Bill 147
Senate Bill 181
Senate Bill 200

Senate Bill 235
Senate Bill 254
Senate Bill 258
Senate Bill 263
Senate Bill 285
Senate Bill 313
Senate Bill 315
Senate Bill 321
Senate Bill 329
Senate Bill 333
Senate Bill 346
Senate Bill 351
Senate Bill 360
Senate Bill 397
Senate Bill 467
Senate Bill 490
Senate Bill 494

Presented to the Governor on April 23, 1998.